

Senate or the Presidency itself. Senate Republicans strongly believe we need a full and fair process where the former President can mount a defense and the Senate can properly consider the factual, legal, and constitutional questions at stake.

For that reason, we suggest the House transmit this article next Thursday, but that apparently is going to be next Monday; that former President Trump's answer and the House's pretrial brief, I suggested, be due on February 4; and that the former President's pretrial brief be due, I suggested, on February 11. That timeline would have provided the Senate some more floor time before we step fully into the unknown of a trial—which, by the way, would have been of substantial benefit to the incoming administration and allowed them to get more of their Cabinet confirmed, on which we are cooperating as best we can to expedite.

NOMINATIONS

Mr. MCCONNELL. Finally, Mr. President, on one final matter regarding nominees, we are considering President Biden's nominees to key Cabinet posts.

On Wednesday, Admiral Haines was confirmed as Director of National Intelligence on a big bipartisan vote, including my own. We hope to be able to consider Tony Blinken to be the Secretary of State early next week.

Today, we are considering GEN Lloyd Austin, President Biden's nominee to serve as Secretary of Defense. I voted to approve the waiver that would allow him to serve in this post yesterday, notwithstanding the 7-year cooling-off period after military service, and I will be voting in favor of his confirmation.

I am voting yes because the nominee is clearly qualified and because Presidents should get real latitude to fill their teams with qualified and mainstream people of their choosing. At the same time, the Senate should pause and reflect on the fact that we will have begun two consecutive Presidential administrations by issuing a waiver to a four-star general and former CENTCOM commander to lead the Pentagon.

The Armed Services Committee held a hearing last week to examine the waiver and the current state of civil-military relations at the Pentagon. I expect the committee will continue to pay close attention to this important issue in the months ahead and will investigate steps that Congress can take to help restore balance over at the Pentagon.

The law that we keep waiving actually exists for a good reason. Civilian control of the military is a fundamental principle of our Republic. We emphatically do not want high-ranking military service to become a tacit prerequisite for a civilian leadership post over at the Department of Defense.

It is not just about a simplistic fear that the military will end up running itself. To the contrary, many experts

worry that military leaders' appropriate fixation on being nonpolitical may not prepare them for the job, to forcefully fight for our armed services amid the political rough-and-tumble in the executive branch and here in Congress. To put it another way, they are taught from the beginning to stay out of politics entirely. But we do want a Secretary of Defense who is willing to engage in the issue-based discussions that we have related to the Department.

Nevertheless, I will vote today to confirm a clear patriot with an impressive career, but I will cast that vote with the understanding that our new Secretary of Defense specifically commits to balancing civil-military relations, empowering civilian leaders at the Pentagon, and playing an active role in the inherently political budget process to get our forces what they need. Our intensifying competition with China, Russia, and all the other threats we face demand nothing less.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Lloyd James Austin, of Georgia, to be Secretary of Defense.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided in the usual form.

NOMINATION OF LLOYD JAMES AUSTIN

Mr. PAUL. Mr. President, our Founding Fathers believed strongly in the civilian control of our military. Having escaped from the tyranny of the British crown, they did not want the powers of government and military to be fused. In America, the people would control their Armed Forces. This standard has endured, and was enshrined in law in 1947. Congress had to pass a waiver to the 1947 law in 2017, and we are being asked to do it again in 2021. I hope that this is the last time Congress will be asked to pass such a waiver.

Civilian control of the military goes beyond the basic question of how long ago a nominee wore the uniform. It is also a question of whether the nominee

is enmeshed in the interests of our vast defense contracting industry, an industry whose bottom line depends on an expansive American military posture and, with it, an ever-growing defense budget. Going from firing the missiles to selling the missiles is technically a move into a civilian role, but nothing more. It is every bit as corrosive to the principle of civilian rule for the head of the Pentagon to churn from the military to the boardroom to the Pentagon, working with many of the same people at every step along the way.

General Austin retired from the Army in 2016, and he immediately joined the board of United Technologies, which was acquired by Raytheon. He was very well-compensated for his work there, and is reportedly due a buy-out of up to \$1.7 million when he leaves Raytheon and his other work and returns to the Pentagon. All we are doing by confirming these types of nominees, no matter their other qualifications, is tightening the ever-increasing bonds between the military and the contractors who serve it. It is getting hard to see where one stops and the other begins. No pledge of recusal from a nominee will solve this larger problem. We are not limited to selecting our Secretary of Defense from the world of defense contractors, and our country would be better off if we stopped. However, with regard to experience and expertise, I do not question General Austin's qualifications and will vote to allow the President his choice.

Mrs. FEINSTEIN. Mr. President, I rise today in support of General Lloyd Austin's confirmation to be Secretary of Defense, and I urge my colleagues to support his nomination in the vote we are about to take.

General Austin has proven through his 41-year military career that he is extremely capable of leading our military as they confront multiple challenges.

First, General Austin is a proven leader that will provide stability within our military ranks. After 4 years of tumultuous leadership under the Trump administration, our troops deserve a steady hand to lead them in the defense of our Nation.

Moreover, our allies need a Secretary of Defense who speaks reliably on behalf of the President.

Second, General Austin brings a wealth of experience to counter global defense challenges. He oversaw U.S. and coalition forces in Iraq, served as a Vice Chief of Staff of the Army where he worked to increase diversity in the highest ranks of our military, and commanded U.S. Central Command in its fight against ISIS and other regional threats.

Third, General Austin's previous appointments to the Joint Staff and as Vice Chief of Staff of the Army prepared him to tackle strategic issues in the Department of Defense. He has committed to filling key positions with personnel that bring civilian expertise,